

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JIM DAWS TRUCKING, LLC,

Plaintiff,

vs.

DAWS, INC., JAMES R. DAWS, LANA
R. DAWS, DAWS TRUCKING, INC.,
and COLUMBUS TRANSPORTATION
& LOGISTICS, LLC,

Defendants.

Case No. 4:24-cv-03177

PLAINTIFF'S MOTION FOR
EXPEDITED DISCOVERY

COMES NOW Plaintiff Jim Daws Trucking, LLC ("JDT"), pursuant to Rules 30, 33, and 34 of the Federal Rules of Civil Procedure, and respectfully moves the Court for an order for limited expedited discovery to be conducted in preparation for the hearing on JDT's Motion for Preliminary Injunction, filed concurrently herewith. In support of this motion, JDT states as follows:

1. The Court has authority to authorize and expedite discovery relevant to a motion for preliminary injunction pending before it, upon a showing of reasonableness or good cause, in the light of all the circumstances. *Walsh v. Packers Sanitation Servs., Inc.*, 2022 WL 17094473, at *2 (D. Neb. Nov. 21, 2022).

2. Limited expedited discovery is necessary to determine the extent to which Jim Daws, the entities he controls, and persons acting in concert with him, have acted, and are acting, in violation of the noncompete in the Asset Purchase Agreement and Jim's duty of loyalty to JDT.

3. Jim Daws' ongoing venture in the trucking business, which began while he was still employed by JDT, and which continues in violation of his obligations under his noncompete agreement with JDT, and which is currently causing great harm to the business of JDT, provides good cause for the following requests:

- a. All Jim's emails, text messages, and other written communications, to and from all work and personal email addresses, with Tony Glenn, Corey Stull, Ranae Muenchrath, Jeff Keeler, Kathy Temme, Jeremy Becker, Wayne Schmeeckle, or Lukas Schmeeckle, from July 1, 2024, to the present.
- b. All text messages, voicemails, emails, and records of telephone calls between Jim and people who currently drive or formerly drove trucks for JDT, with respect to communications from July 1, 2024, to the present.
- c. All calendar entries, meeting invitations, video calls, or records of video calls, with any of the individuals described in subparagraphs (a) or (b) above, from July 1, 2024, to the present.
- d. All financial statements, including pro forma financial statements, or other documents describing the structure or anticipated operations of the venture described in Jeremy Becker's email dated October 22, 2024.
- e. All electronic and hard-copy independent contractor agreements, lease agreements, and other agreements between drivers and Daws

Trucking, Inc. (“DTI”), JLD Truck Lines, LLC, J&L Enterprises, L.L.C., Loyal Trucking, L.L.C., or H-J Trucking, LLC, that cover any or all of the timeframe from July 1, 2024, to the present.

- f. All communications to or from Jones Bank regarding trucks owned by DTI, JLD Truck Lines, LLC, J&L Enterprises, L.L.C., Loyal Trucking, L.L.C., or H-J Trucking, LLC.
- g. A subpoena to Jones Bank requiring the production of all purchase agreements, lease agreements, loan documents, finance agreements, personal guarantees, security interests, and other documents executed or maintained in connection with the sale or lease of trucks to drivers by any of the entities listed in subparagraph (e), above.

4. The request for these items includes ESI that has been deleted but which can still be recovered. This request is particularly justified by the fact that employees of JDT loyal to Jim tried to delete emails when they discovered that JDT would be retaining the company email server.

5. The limited expedited discovery sought herein is necessary for JDT to prepare for the hearing on its Motion for Preliminary Injunction, and the requests are narrowly tailored to the subject matter needed to prepare for the hearing.

6. JDT requests these items be produced seven (7) days from today, or within whatever other reasonable time may be established by the Court prior to the hearing on its Motion for Preliminary Injunction.

WHEREFORE, Jim Daws Trucking, LLC respectfully requests that the Court grant its motion for expedited discovery.

Dated October 29, 2024.

JIM DAWS TRUCKING, LLC,
Plaintiff

By: s/ Andre R. Barry
Andre R. Barry, #22505
Henry L. Wiedrich, #23696
CLINE WILLIAMS WRIGHT
JOHNSON & OLDFATHER, L.L.P.
233 South 13th Street
1900 US Bank Building
Lincoln, NE 68508
(402) 474-6900
abarry@clnewilliams.com
hwiedrich@clnewilliams.com

CERTIFICATE OF SERVICE

I, Andre R. Barry, hereby certify that on October 29, 2024, I electronically filed the foregoing with the Clerk of the United States District Court for the District of Nebraska using the CM/ECF system, which sent notification of such filing to all registered case participants.

s/ Andre R. Barry
Andre R. Barry